

# Notice of Allowability

Application No.

09/750,140

Examiner

Anthony T Ton

Applicant(s)

GEORGE, EDWARD N.

Art Unit

2661

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/15/05.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 20 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



PHIRIN SAM  
PRIMARY EXAMINER

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney **Joseph J. Zito** (Reg. No. 32,076) on 3/25/2005; the Attorney agreed to allow the Examiner to do an Examiner's statement as the following:

a) **In Claim 9**: In line 1 of the claim, please replace the word "**claim 8**" for the word "**claim 7**".

b) **In Claim 15**: In line 3 of the claim, please delete the four question marks "?????" as recited at the end of the claim.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

a) **In Regarding to Claims 1-4**: The prior arts of record fail to teach a system for transmitting data between a first modem and a second modem across a packet network with reduced bandwidth and improved resistance to network packet loss, the system comprising a combination of steps of:

packetizing bits into packets for transport over the packet network; and

wherein the packets include both new and redundant data which may read upon the network packet loss.

**b) In Regarding to Claims 5-6:** The prior arts of record fail to teach in a system wherein an originating modem terminal equipment connects to a digital network via an originating modem relay unit and wherein a destination modem terminal equipment connects to the digital network via a destination modem relay unit, a method of providing modem communications comprising a combination of steps of:

while the destination modem relay unit is waiting for the digital data from the originating modem terminating equipment, the destination modem relay unit maintaining communication with the destination modem terminating equipment to prevent protocol timeouts of the destination modem terminating equipment.

**c) In Regarding to Claim 7:** The prior arts of record fail to teach in a system wherein an originating modem terminal equipment connects to a digital network via an originating modem relay unit and wherein a destination modem terminating equipment connects to the digital network via a destination modem relay unit, a method of receiving a modem communication from the destination modem relay unit comprising a combination of steps of:

while waiting for the digital data from the originating modem terminating equipment, maintaining communication with the destination modem terminating equipment to prevent protocol timeouts of the destination modem terminating equipment.

**d) In Regarding to Claims 8-9:** The prior arts of record fail to teach in a method of receiving a modem communication at destination modem terminal equipment from an originating modem terminating equipment via a digital network, wherein a destination modem

terminating equipment connects to the digital network via a destination modem relay unit, the method comprising a combination of steps of:

while waiting for the digital data from the originating modem terminating equipment, maintaining communication with the destination modem terminating equipment to prevent protocol timeouts of the destination modem terminating equipment.

**e) In Regarding to Claims 10-17:** The prior arts of record fail to teach a method for transmitting data between a first modem and a second modem across a packet network with reduced bandwidth and improved resistance to network packet loss, the method comprising a combination of steps of:

packetizing a data portion into packets for transport over the packet network to a second modem; and

wherein the packets include both new and redundant data which may read upon the network packet loss.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on **571-272-3126**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by : *quler*  
Anthony T. Ton  
Patent Examiner  
March 25, 2005

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**